

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHELE RICCI	:	CIVIL ACTION
	:	
	:	
v.	:	No. 02-CV-4330
	:	
	:	
AETNA, INC. d/b/a AETNA U.S.	:	
HEALTHCARE and AETNA LIFE	:	
INSURANCE COMPANY	:	

**ORDER**

AND NOW, this 30th day of October, 2003, a notice of appeal having been filed in *Barber v. UNUM Life Insurance Co. of America*, No. 03-CV-3018 (E.D. Pa. Sept. 9, 2003), from Judge Newcomer's Order denying the defendant's motion to dismiss the state bad faith claim in an ERISA case, in which he relied upon his previously issued opinion in *Rosenbaum v. UNUM Life Insurance Co.*, No. 01-CV-6578 (E.D. Pa. Sept. 8, 2003),<sup>1</sup> it is **ORDERED** as follows:

1. All proceedings are **STAYED** until further order of the Court;
2. The case shall be **TRANSFERRED** by the Clerk of Court to the **CIVIL SUSPENSE FILE**.

---

TIMOTHY J. SAVAGE, J.

---

<sup>1</sup> As noted in our earlier Order denying the defendants' motion to dismiss the bad faith cause of action, the issue of whether ERISA, 29 U.S.C. § 1144(a), preempts Pennsylvania's bad faith statute, 42 Pa. C.S.A. § 8371, is unsettled in this circuit. Therefore, we shall reconsider this issue once it is resolved by the Third Circuit.